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| 10/669,500 | 09/24/2003 | Naoto Moriyama | 03578/LH | 3990 |
| 1933 7590 12/10/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708 | | | EXAMINER BITAR, NANCY | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/669,500 | Applicant(s) MORIYAMA ET AL. | |
| | Examiner Nancy Bitar | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/2/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response to the last Office Action, filed 06/05/2007, has been entered and made of record.

2. Applicant has amended claims 11-24. Claims 1-24 are currently pending. Claims 25-46 are cancelled.

Applicants arguments filed 10/03/2007 have been fully considered but they are not persuasive.

3. Examiner withdraw the nonstatutory double patenting rejection since application 10/684355 do not relate to updating radiographing order information in the storage section of a control apparatus as required by the amendment of claims 1-24 in the present application.

4. Applicant recited in the independent claims the feature of the present invention "whereby the management section of the control apparatus **updates** the stored radiographing order information when the received **updated** radiographing order information does not agree with the stored radiographing order information". The new recitation in the claims was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is true that figure 11B is receiving **renew** radiographing order information but renew is different than update. Renew by definition is to start over or make new again, whereas update is to provide current information to an individual or group of persons, or revise printed information according to the most current information available. Therefore, examiner finds no support for updating the radiographing order information as required by the independent claims.

5. Applicant argues that the combination of Kanada et al and Rotschild et al would not achieve the features of the claimed invention and that terminal 16 and workstation 15 of Kanada do not function to transmit radiographing order information to a portable terminal. Kanda teaches in column 15 lines 8-10 that the order for output is received from the workstation 15 or from the terminal 16. Moreover Kanada clearly teaches the system carries out information transmission and processing based on examination order information (photographing order or the like pertaining to the radiology department) regarding

patients of the requesting departments or on photographing information in the image recording modalities 12 and 13 and where the image server sent information to the reference terminal 16.

6. Additionally the applicant's argument that the combination of all the features recited in claims 1-14 makes the applicant's invention patentable different is not found persuasive and thus Canada and Rothschild still reads on the applicant's claimed invention.

All remaining arguments are reliant on the aforementioned and addressed arguments and thus are considered to be wholly addressed herein.

Examiner Notes

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Updating radiographing order information is not described in the specification figure 11B states renew radiographing order info that different than update.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6-8, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada (US 6,954,767 B 1) in view of Rothschild (US 6,678,703 B2).

As to claim 1, Kanada discloses a medical image radiographing system comprising: a control apparatus (14) which manages a radiographed medical image and radiographing order information (examination order information, column 14 line 17) by relating the radiographed medical image to the radiographing order information ;and which **transmits the radiographed order information** and a portable terminal which receives the radiographing order information from the control apparatus the portable terminal comprising (note that Kanada teaches a workstation comprising display means capable of displaying an image stored in the medical image server, judging means for judging whether or not an image need to be displayed is stored in the workstation, and means for sending to the medical server an order for output of the image need to be displayed when the judging means judges that the image is not stored in the workstation) : an obtaining section (image recording modalities 12 and 13)for obtaining identification information.(note that the examination order information may include the date of examination, the ID number of a patient, a modality code, a code of the image requesting department status, see column 16, lines 5-8) of a cassette for recording the radiographed medical image ;a storage section stores the obtained identification information of the cassette and a correlation of (image archiving apparatus 17 or 18) the identification information of the cassette with the radiographing order , and a communication section (Radiology department information system 11) which transmits the updated radiographing order

information to the control apparatus ; and (image acquisition means for acquiring an image from the archiving apparatus 17 or 18, column 15 lines 5-6), wherein the control apparatus (image server 14) comprises: a storage section (hard disc 14a) which stores the radiographing order information transmitted to the portable terminal (store the data in an internal hard disc 14a, column 15 lines 1-2); a communication section which receives the radiographing order information transmitted from the portable terminal(when an order for output is received from the workstation 15 or from the terminal (16), column 15 lines 8-10); a determination section (image server 14), which determines whether or not the updated updated radiographing order information agrees with the radiographing order information stored in the storage section of the control apparatus (judges whether or not the combination of the modality and the image requesting department contained in the information sent by the RIS 11 is identical to one of those combinations, column 19, lines 4-17).Furthermore, Kanada clearly teaches a management section (14) which correlates the radiographing order information stored in the storage section of the control apparatus to received updated radiographing order information when the determination section determines that the received updates radiographing does not agree with the stored radiographing order information. (control means having for each of the image display terminals, setting defining whether only the storing means or the storing means as well as the database are searched and for determining where to search according to the setting for each terminal, column 12 lines 6-10 note that an image taken "on the day" that will be added to the radiographing order information. Kanada teaches that limitation in figure 7 and 8 (column 19 lines 56-67 through column 20 lines 1-59).Kanada teaches the invention as cited above, he does not explicitly teach a portable terminal. Kanada does teach a terminal connected to system as a reference to search and fetch images (note terminal 16 and workstation 15, figure 3). Rothschild et al. teaches a remote interface which can be wireless for medical imaging screening, and lists several devices that might be implemented for the system (figure 1 remote interface 35 and figure 6, column 9 lines 24-62, wireless column 21 lines 1-8).It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because a portable terminal would provide a more convenient means of analysis. Moreover, Kanada teaches control means having for each of the image

display terminals, setting defining whether only the storing means or the storing means as well as the database are searched and for determining where to search according to the setting for each terminal (column 12, lines 6-10) he does not explicitly teach a management section. Rothschild et al. teaches a medical image management system that include a medical imaging system, a local image workstation, and means for pushing the electronic image to a remote image viewing, column 12 lines 16-22). Moreover, Rothschild clearly teaches the radiographing order information being updates according to radiographing wherein the radiologist may produce a report containing new information that may be attached to the electronic record (5) and update to the referring physician or surgeon. In addition, an image history record system (200) maintains an image history record with information regarding transmission and viewing records associated with the electronic record, and routes the respective information in the record back from these remote viewing stations, through the central data management system (30), and to the local image workstation (20) at the imaging center that produced the original image. It would have been obvious to one of ordinary skill at the time of the invention to combine the cited references because the workstation communicates with the medical imaging device such that the electronic record may be transmitted from the medical imaging device and received by the local image workstation (column 12 lines 26-30).

As to claim 2, Kanada teaches the system of claim 1, wherein the management section (14) stores the identification information of the cassette correlated with the radiographing order information stored in the storage section of the control apparatus, when the updated radiographing order information agrees with the updated radiographing order information stored in the storage section of the control apparatus (the image server 14 compares the patient ID number associated with the image data 40 sent from the image recording modalities 12 or 13 with the patient ID number contained in the information of the patient sent from the RIS and determines a delivery destination of the image data 40 in the case where the two patient ID number are identical to each other, column 20 lines 41-48).

As to claim 6, Kanada teaches the system of claim 1, further comprising an information management apparatus(11) which transmits the updated radiographing order information to the control

apparatus (14); wherein the communication section (radiology department information 11) in the control apparatus (image server 14) transmits the updated radiographing order information correlated with the identification information of the cassette stored in the storage section of the control apparatus to the information management apparatus; (image archiving apparatus 17 and 18) wherein the information management apparatus comprises: a communication section which receives the updated radiographing order information and correlated with the identification information of the cassette transmitted by the communication section in the control apparatus; and a storage section (hard disc 14a) which stores the received updated radiographing order information correlated with the identification information of the cassette (column 14 lines 1-31).

As to claim 7, claim 7 differ from claim 1 only in that claim 7 is a method claim whereas; claim 1 is an apparatus claim. Thus, claim 7 is analyzed as previously discussed with respect to claim 1 above.

As to claim 8, claim 8 differ from claim 2 only in that claim 8 is a method claim whereas; claim 2 is an apparatus claim. Thus, claim 8 is analyzed as previously discussed with respect to claim 2 above.

As to claim 12, claim 12 differ from claim 6 only in that claim 12 is a method claim whereas; claim 6 is an apparatus claim. Thus, claim 12 is analyzed as previously discussed with respect to claim 6 above.

As to claim 13, this claim differs from claim 7 only in that limitation "storing the identification information of the cassette correlated with the updated radiographing order information received by the control apparatus" is additionally recited. Kanada teaches that limitation in (column 18 lines 35-40).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5,9-11,14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada (US 6,954,767 B I) in view of Rothschild (US 6,678,703 B2), and Stoodley (US 6,611,846 B1).

As to claim 3, The system of claim 1, wherein the control apparatus further comprises: a display control section (medical image display system, column 9 line 38) which displays a message which confirms whether or not to update the updated radiographing order information stored in the storage section of the control apparatus when the determining section determines that the received updated radiographing order information stored in the storage section of the control apparatus (note that the medical image display system comprises the workstation comprising display means capable of displaying an image stored in the workstation, judging means for judging whether or not an image need to be displayed is stored in the workstation, and means for sending to the medical server an order for output of the image need to be displayed when the judging means judges that the image is not stored in the workstation, column 9 lines 36-53), and an input section which inputs an instruction instructing whether or not to update the radiographing order information stored in the storage section of the control apparatus (means for sending to the medical server an order for output of the image need to be displayed when the judging means judges that the image is not stored in the workstation, column 9 lines 36-53). Moreover, Kanada teaches the management section (14) updates the radiographing order information stored in the storage section of the control apparatus to the received radiographing order information, and stores the updated radiographing order information (the image server 14 compares the patient ID number associated with the image data 40 sent from the image recording modalities 12 or 13 with the patient ID number contained in the information of the patient sent from the RIS and determines a delivery destination of the image data 40 in the case where the two patient ID number are identical to each other, column 20 lines 41-48), when the instruction to update the radiographing order information is inputted (the image server 14 contains means for determining destination of the image taken on the day which determines the delivery destination taken and recorded by an image recording modality 12 and 13, column 20, lines 9-17). Although Kanada teaches the invention as cited above, they do not specifically depict a controller and display of confirmation. Kanada teaches means for displaying information on a

screen at column 7 lines 41-47, however does not show a controller. Stoodley teaches a display controller 18(see column 6 lines 18-37 and lines 51-56; column 8 lines 16-26) displaying a message which confirms whether to update the radiographing order information stored in the storage (column 11 lines 60-65 requests confirmation 130). It would have been obvious to one of ordinary skill at the time of the invention to have combines Stoodley with Kanada because the controller would provide the means taught in Kanada for displaying a message. Also display controllers are well known devices in the data processing art.

As to claim 4, this claim differs from claim 3 only in that the limitation "the management section updates the radiographing order information stored in the storage section of the control apparatus to the modified radiographed order information" is additionally recited. Note that the modification to the radiographing order information is considered an image taken "on the day" that will be added to the radiographing order information. Thus, Kanada teaches that limitation in figure 7 and 8 (column 19 lines 56-67 through column 20 lines 1-59).

As to claim 5, Kanada teaches the system of claim 3, wherein in the control apparatus, the storage section(image archiving apparatus 17 or 18) stores a transmission history which indicates whether or not the radiographing order information has been transmitted to the portable terminal (past image of a patient which is stored in the image archiving apparatus is necessary or unnecessary, column 2 lines 59-61, column 18 lines 35-49) wherein the display control section (medical image display system, column 9 line 38) displays a message which confirms whether or not to cancel the received radiographing order information, when the determining section determines that the received radiographing order information disagrees with the radiographing order information stored in the storage section of the control apparatus (the medical image display system comprises the workstation comprising display means capable of displaying an image stored in the workstation, judging means for judging whether or not an image need to be displayed is stored in the workstation, and means for sending to the medical server an order for output of the image need to be displayed when the judging means judges that the image is not stored in the workstation, column 9 lines 36-53 note that Stoodley teaches a display

controller 18, see column 6 lines 18-37 and lines 51-56, column 8 lines 16-26). In addition, Kanada teaches the input section inputs an instruction instructing whether or not to cancel the radiographing order information, and the management section controls the communication section of the control apparatus to transmit the instruction to cancel the updated radiographing order information to the portable terminal, and updates the transmission history of the radiographing order information stored in the storage section of the control apparatus to indicate that the updates radiographing order information has been cancelled, when the instruction to cancel the updates radiographing order information is inputted; wherein the portable terminal(means for sending to the medical server an order for output of the image need to be displayed when the judging means judges that the image is not stored in the workstation, column 9 lines 36-53, note that when the image is updated it is not stored in the workstation), the communication section (the radiology department information system 11) receives the instruction to cancel the radiographing order information transmitted from the control apparatus, and the storage section of the portable terminal deletes the updated radiographing order information corresponding to the radiographing order information for which the instruction to cancel is received (past-image acquisition condition can be added or deleted by a user as required, column 15 lines 66-67).

As to claim 9, claim 9 differ from claim 3 only in that claim 9 is a method claim whereas; claim 3 is an apparatus claim. Thus, claim 9 is analyzed as previously discussed with respect to claim 3 above.

As to claim 10, claim 10 differ from claim 3 only in that claim 10 is a method claim whereas; claim 3 is an apparatus claim. Thus, claim 10 is analyzed as previously discussed with respect to claim 3 above.

As to claim 11, claim 11 differ from claim 5 only in that claim 11 is a method claim whereas; claim 5 is an apparatus claim. Thus, claim 11 is analyzed as previously discussed with respect to claim 5 above.

As to claim 14 this claim differs from claim 1 only in that limitation "an editing section for editing the radiographing order information stored in the storage" is additionally recited. Stoodley teaches that modifications or substitutions may be made to the information transfer system (column 16 lines 59-67 i.e.

Figure 6A shows age modification which is a category of the radiographing order information).

As to claim 15, Kanada teaches the system of claim 14, wherein the control apparatus further comprises a determination section which determines whether or not the radiographing order information agrees with the radiographing order information stored in the storage section (delivery judging means for judging whether the delivery of the image stored in the storing means is necessary or unnecessary based on information regarding medical examination order, column 5, lines 6-10), wherein the communication section (Radiology department information system 11) transmits a message which confirms whether or not to update the radiographing order information to the portable terminal (Stoodley, column 11 lines 60-65 requests confirmation 130), and receives an instruction to update the radiographing order information from the portable terminal, when the radiographing order information disagrees with the radiographing order information stored in the storage section (Stoodley, if confirmation is receives 132, the new data is stored 140, (Stoodley, column 11, lines 63-65), and the management section (14) stores the received radiographing order information in the storage by updating the stored radiographing order information to the received radiographing order information, and stores the identification information of the cassette in the storage by relating the identification information of the cassette to the radiographing order information (the image server 14 compares the patient ID number associated with the image data 40 sent from the image recording modalities 12 or 13 with the patient ID number contained in the information of the patient sent from the RIS and determines a delivery destination of the image data 40 in the case where the two patient ID number are identical to each other, column 20 lines 41-48), when the instruction to update the radiographing order information is received from the portable terminal (column 20, lines 9-17).

As to claim 16, this claim differs from claim 15 only in that limitation "not to update the radiographing order information" is additionally recited. Stoodley et al teaches that limitation in (column 1 I, line 42-65)

As to claim 17, is identical to claim 5 and the prior art meets the limitation for claim 17 for the same reasons as described above with respect to claim 5.

As to claim 18, is identical to claim 6 and the prior art meets the limitation for claim 18 for the same reasons as described above with respect to claim 6.

As to claim 19, claim 19 differ from claim 14 only in that claim 19 is a method claim whereas; claim 14 is an apparatus claim. Thus, claim 19 is analyzed as previously discussed with respect to claim 14 above.

As to claim 20, claim 20 differ from claim 15 only in that claim 20 is a method claim whereas; claim 15 is an apparatus claim. Thus, claim 20 is analyzed as previously discussed with respect to claim 15 above.

As to claim 21, claim 21 differ from claim 16 only in that claim 21 is a method claim whereas; claim 16 is an apparatus claim. Thus, claim 21 is analyzed as previously discussed with respect to claim 16 above.

As to claim 22, claim 22 differ from claim 17 only in that claim 22 is a method claim whereas; claim 17 is an apparatus claim. Thus, claim 22 is analyzed as previously discussed with respect to claim 17 above.

As to claim 23, is identical to claim 12 and the prior art meets the limitation for claim 23 for the same reasons as described above with respect to claim 12.

As to claim 24, claim 24 differ from claim 14 only in that claim 24 is a method claim whereas; claim 14 is an apparatus claim. Thus, claim 24 is analyzed as previously discussed with respect to claim 14 above.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

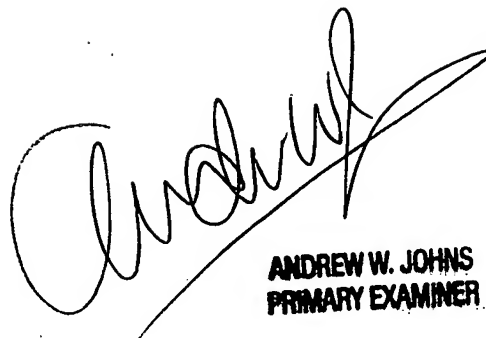
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Application/Control Number:
10/669,500
Art Unit: 2624

Page 14

Nancy Bitar

12/5/2007



ANDREW W. JOHNS
PRIMARY EXAMINER